

**UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF TEXAS
VICTORIA DIVISION**

In Re:
Scott Vincent Van Dyke

§
§
§
§

Case No. 21-60052-CML

Debtor(s)

Chapter 7

**FINAL APPLICATION FOR ALLOWANCE OF COMPENSATION AND
REIMBURSEMENT OF EXPENSES OF ACCOUNTANT FOR TRUSTEE**

LOCAL RULE 9013(b) NOTICE: THIS MOTION SEEKS AN ORDER THAT MAY ADVERSELY AFFECT YOU. IF YOU OPPOSE THE MOTION, YOU SHOULD IMMEDIATELY CONTACT THE MOVING PARTY TO RESOLVE THE DISPUTE. IF YOU AND THE MOVING PARTY CANNOT AGREE, YOU MUST FILE A RESPONSE AND SEND A COPY TO THE MOVING PARTY. YOU MUST FILE AND SERVE YOUR RESPONSE WITHIN 21 DAYS OF THE DATE THIS WAS SERVED ON YOU. YOUR RESPONSE MUST STATE WHY THE MOTION SHOULD NOT BE GRANTED. IF YOU DO NOT FILE A TIMELY RESPONSE, THE RELIEF MAY BE GRANTED WITHOUT FURTHER NOTICE TO YOU. IF YOU OPPOSE THE MOTION AND HAVE NOT REACHED AN AGREEMENT, YOU MUST ATTEND THE HEARING. UNLESS THE PARTIES AGREE OTHERWISE, THE COURT MAY CONSIDER EVIDENCE AT THE HEARING AND MAY DECIDE THE MOTION AT THE HEARING.

REPRESENTED PARTIES SHOULD ACT THROUGH THEIR ATTORNEY.

Name of applicant		John Mosley
Applicant's professional role in case (e.g., "Trustee's counsel")		Certified Public Accountant
Indicate whether this is an interim or a final application		Final
Effective date of Order approving professional's retention		01/29/2024 ECF#349
	Beginning of Period	Ending of Period
Time period covered in application	01/29/2024	04/30/2024
Time periods covered by any prior applications	N/A	N/A
Total amounts awarded in all prior applications		N/A
Amount of retainer received in case		N/A
Total fees applied for in this application and in all prior applications (including any retainer amounts applied or to be applied)		\$1,060.00
Total fees applied for in this application (including any retainer amounts to be applied)		\$1,060.00
Total professional fees requested in this application		\$1,060.00
Total professional hours covered by this application		5.3
Average hourly rate for professionals		\$200.00
Total paraprofessional fees requested in this application		N/A
Total paraprofessional hours covered by this application		N/A
Average hourly rate for paraprofessionals		N/A
Reimbursable expenses sought in this application		\$0.00

Expected amount of dividend to be paid to unsecured creditors	
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Expected percentage dividend to be paid to unsecured creditors	
Expected amount to be paid to all pre-petition creditors	

John Mosley, accountant for Catherine Stone Curtis, Trustee, files this Final Application for Allowance of Compensation and Reimbursement of Expenses of Accountant for Trustee, and would show the Court as follows:

1. This Application is made pursuant to §330 of the Bankruptcy Code. This case was filed under Chapter 7 on May 25, 2021. On January 29, 2024, an order of the court, docket #349, was entered allowing the Trustee, Catherine Stone Curtis, to employ John Mosley as her duly appointed accountant in this case.

2. From January 29, 2024 through April 30, 2024, inclusive, the accountant has incurred fees for professional services rendered totaling \$1,060.00 and expenses of \$0.00.

3. There have been no prior applications for fees and expenses in this case. No retainer was received by the Accountant. Any compensation to be received will not be shared and no agreement or understanding exists between Accountant, or any other entity, for the sharing of compensation to be received for services rendered in connection with this case.

4. Time and Labor Required. The total award sought of \$1,060.00, represents 5.3 hours.

<u>Event</u>	<u>Estimated Fee</u>
Accountant obtained information and documents and prepared federal income tax returns for the short year fiscal year ended 04/26/2024	\$ 860.00
Preparation of Fee Application and supporting documents	\$ 200.00
TOTAL FEE	\$1,060.00

5. Novelty and Difficulty of Questions. This case was neither novel nor difficult.

6. Skill Requisite to Perform Legal Services Properly. Skill and experience in the field of tax law and accounting was required.

7. Preclusion of Other Employment Due to the Case. If the Accountant had not been representing the Trustee in this case, he would have been able to expend a like number of hours representing other clients; therefore, certain other employment was precluded from representation in this case.

8. Customary Fee. Applicant seeks approval of fees of John Mosley of \$200.00 per hour. The rates charged are the normal charges for work for clients for a case of this magnitude. The fees are usual and customary in the Southern District of Texas with some variation. These are customary charges by Accountant and other certified public accountants in the area.

9. Whether Fee is Fixed or Contingent. Accountant has worked on an hourly basis.

10. Time Limitations Imposed by Client and Other Circumstances. The tax return was due in accordance with Title 26 of the United States Code. Accountant had to prepare the return by obtaining information from the Trustee.

11. Amount of Money and Property Involved and Result Obtained. The tax return was necessary to the estate, because the liability (or lack thereof) to the IRS has to be determined by the filing of returns before the funds available to unsecured creditors may be known.

12. Experience, Reputation and Abilities of Accountants. Accountant enjoys a good reputation in the community. The Accountant has significant experience and is a licensed Certified Public Accountant in the State of Texas.

13. Undesirability of Case. This case has not been undesirable.

14. Nature and Length of Professional Relationship of Client. Accountant had no prior relationship with the Debtor prior to being hired in this case. The Accountant has prior relationships with Trustee on other bankrupt estates.

15. Awards in Similar Cases. The applicant submits that the compensation sought herein is not inconsistent with that awarded in other cases of a similar nature throughout the Southern District of Texas generally.

WHEREFORE, PREMISES CONSIDERED, John Mosley, accountant for Trustee, prays that the Court enter an order allowing compensation and expenses of \$1,060.00 for John Mosley from January 29, 2024 through April 30, 2024, inclusive, and that Catherine Stone Curtis, Trustee, be authorized to pay such compensation, and for such other relief as may be just and equitable.

Respectfully submitted,

/S/CATHERINE STONE CURTIS

Catherine Stone Curtis

TBN: 24074100

Federal ID No.: 1129434

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CHAPTER 7 TRUSTEE

/s/ John Mosley

John Mosley

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ACCOUNTANT FOR TRUSTEE

CERTIFICATE OF SERVICE

By my signature above, I hereby certify that on this May 1 2024, a true and correct copy of the above and foregoing was served by United States mail, first class, to those listed on the attached matrix.

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